#20

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	M. A. Kepler et al.		
Serial No.	:	09/532,402	Group Art Unit:	2172
Filed	:	March 22, 2000	Examiner :	A. Ly
Title	:	Method and System for Searching, Accessing and Updating Databases		

REQUEST FOR RECONSIDERATION AND THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on February 28, 2003.

Alex L. Yip
Attorney Name

34,759
Registration No.

Signature

February 28, 2003
Date of Signature

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicants submit herewith a Third Supplemental Information Disclosure Statement in the above-identified patent application. In addition, in response to the Office Action dated December 2, 2002, applicants submit this Request for Reconsideration as follows:

I. Third Supplemental Information Disclosure Statement

Applicants submit herewith a Third Supplemental Information Disclosure Statement (IDS) by Applicant (1 page), listing an additional reference which is or may be material to the examination of the subject application. A copy of the listed reference is enclosed. It is respectfully requested that the reference be made of record in the file history of the application.

02/25/2004 CNGUYEN 00000124 500988 09532402
01 FC:1806 180.00 DA

Identification of the listed reference in the IDS is not to be construed as an admission by applicants or attorneys for applicants that such reference is available as "prior art" against the subject application. The right is reserved to antedate any listed reference in accordance with standard procedures. The required fee of $180 pursuant to 37 CFR 1.17(p) is also enclosed.

II. Rejection of Claims 1- 3, 5-8 and 10- 35 Under 35 U.S.C. §103

Claims 1-3, 5-8 and 10-35 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,374,241 issued to Lamburt et al.

An aspect of the invention, represented by claims 1 and 7, is directed to a technique for on-the-fly updating of search output that is responsive to a query. This is accomplished by comparing responsive database records from databases with a responsive update record from an update database associated with such databases. In instances where there are more than one responsive database records that correspond to (*e.g.*, records that are the same or substantially the same as) the update record, the database records are excluded from the search output when the update record includes a predefined setting (e.g., a delete setting). Because the claimed invention excludes records based on a setting in the update record, circumstances in which the user receives extraneous query output can be effectively controlled.

Excluding one or more selected records from the responsive records effectuates the update, or deletion, of one or more records that are responsive to a query. Records that are stored in the searchable databases, however, are not updated or deleted. The inventive technique therefore enables responsive records to be updated, or excluded, on-the-fly based upon the parameters of the search request and the update database data.

Responsive records of a search output are updated or excluded, without having the same effect on the records that are stored in the searchable databases, as the searchable databases are not modified, although they are searched – *i.e.*, "searching at least one database for database records responsive to the search" and "searching an update database associated with the at least one database." The method and system of claims 1 and 7 then "includ[e]" and"except"

responsive records from the "search output," not the searchable databases. Thus, search records of a search output (not records of the searchable databases) are updated or deleted.

Lamburt discloses data integration and updating techniques in a computer system. (Abstract, col. 1, lines 4-7; col. 37, line 38 - col. 47, line 67). More particularly, Lamburt, unlike the claimed invention, discloses methods for *updating searchable databases*, wherein the updates come from three different sources – (1) on-line updates from users, (2) foreign source updates (i.e., update records which come from a different data source other than original existing database), and (3) native source updates (i.e., an updated version of the existing database having the same source as the existing database). (Col. 37, lines 38-63). In addition, Lamburt does not teach or suggest "searching at least one database for database records responsive to the search", "searching an update database associated with the at least one database" and excluding one or more database records that are responsive to a query "from a search output" when an indication is made in the update record corresponding to the one or more database records, as claims 1 and 7 recite. At best, Lamburt teaches integrating update data with searchable databases (*e.g.*, working database 1508) and then searching such databases for updating. (*See, e.g.*, Fig. 45, col. 37, line 64 - col. 38, line 27).

The Examiner postulated that Lamburt, at col. 5, lines 18-24, col. 39, lines 60-67, col. 40, lines 1-15, col. 42, lines 50-58, col. 44, lines 15-30 and 58-63 and Fig. 53, discloses such searching, including and excluding. However, this postulation by the Examiner is incorrect. Lamburt, at col. 37, line 38–col. 47, line 67 (and Figs. 45-58 referenced therein), relates to effectuating the above-identified data integration techniques – *i.e.*, updating databases with (1) on-line updates, (2) foreign source updates and (3) native source updates. These integration techniques entail updating and excluding records from a database to be searched. (See, e.g., col. 37, lines 38-63, col. 38, lines 5-27, col. 39, lines 45-59, col. 43, lines 48-col. 45, line 17). Thus, Lamburt actually teaches away from the claimed invention by providing for "data updates included in the database [which] come from three different sources" (col. 37, lines 40-41), as opposed to "searching at least one database for database records responsive to the search",

"searching an update database associated with the at least one database" and then "except[ing] one or more of the database records" from "the search output" as claims 1 and 7 recite.

In addition, contrary to the Examiner's assertions (at page 5 of the December 2, 2002 Office Action re claim 7), Lamburt, at col. 16, lines 7-24 and col. 33, lines 12-47, fails to disclose, teach or suggest a sorter for "except[ing] one or more of the database records which correspond to [an] update record" from "the search output" as neither these portions of Lamburt nor any other portion of Lamburt relate to using update records for excepting records from a search output.

Accordingly, independent claims 1 and 7, together with their dependent claims, are patentable over Lamburt.

Another aspect of the invention, represented by claims 12, 20 and 29, is directed to a technique for routing search requests. The technique includes searching a routing database to determine whether a search request should be routed to databases accessible by the receiving server. If it is determined that the search request should be routed to one or more of such databases, the search request is routed to the databases to effectuate the user's search. Search results are then returned to the user.

Lamburt discloses a system and methods for supporting a high volume of searches, which may be performed for example, through the Internet. (Col. 18, line 14-18). Although Lamburt further discloses multiple server nodes that are configured for responding to search requests, each of these nodes are "fully redundant" and each node can respond to "any search request." (Abstract, Col. 18, line 29-31). Lamburt then explains that: "The nodes agree to a disjoint partitioning of requests to each of the server nodes in which one server node will service a set of classes of requests that no other node will generally service."(Col. 18, lines 36-39). Lamburt also explains that: "The request router subsequently uses the load file and the configuration file to decide which server node 808-810 a request is routed to based on the load and the availability of the server node, and the designated server for each partition or domain." (Col. 7, lines 24-28; see also, col. 10, line 66-col. 11, line 29). Thus, Lamburt discloses a technique in which a query is directed to one of a number of "server nodes," all of which have

the capability of handling the query, based on the class of the query and the load and availability of the server nodes.

Nowhere does Lamburt disclose, teach or suggest using a search request for "searching a routing database" to determine whether the search request should be routed to one or more "databases" accessible by the receiving server as claim 12 recites. In fact, because Lamburt is directed to identifying which "server node" should handle a search request, Lamburt teaches away from the claimed invention which routes the search request to a "search routing database" for determining which "database" of the receiving server should be searched. Independent claims 20 and 29 similarly recite routing the search request to identified database(s) (not to an identified node among a plurality of identical nodes): claim 20 recites "routing the search request to the one or more databases accessible by the receiving server if it is determined that the search request should be routed to the one or more databases accessible by the receiving server", and claim 29 recites "if the search of the routing database is successful, routing the search request to a database identified by the routing database".

Accordingly, independent claims 12, 20 and 29, together with their dependent claims, are patentable over Lamburt.

In view of the foregoing, each of claims 1-3, 5-8, and 10-35 is believed to be in condition for allowance. Accordingly, reconsideration of these claims is requested and allowance of the application is earnestly solicited.

Respectfully,

Michael A. Kepler
Christopher A. Huey
Runping Qi
Christopher A. Wake

Dated: February 28, 2003

By: 
Alex L. Yip, Attorney
Registration No. 34,759
212-836-7363

PTO/SB/17 (10-02)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($)180.00

Complete if Known	
Application Number	09/532,402
Filing Date	3/22/00
First Named Inventor	M. Kepler
Examiner Name	A. Ly
Art Unit	2172
Attorney Docket No.	41698-1021

METHOD OF PAYMENT *(check all that apply)*

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 50-0988

Deposit Account Name: KAY SCHOLER LLP

The Commissioner is authorized to: *(check all that apply)*

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, **except for the filing fee** to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	740	2001	370	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	510	2003	255	Plant filing fee	
1004	740	2004	370	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims		Fee from below	Fee Paid
Total Claims		-20** =	X	=
Independent Claims		- 3** =	X	=
Multiple Dependent				=

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($)

***or number previously paid, if greater; For Reissues, see above*

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	400	2252	200	Extension for reply within second month	
1253	920	2253	460	Extension for reply within third month	
1254	1,440	2254	720	Extension for reply within fourth month	
1255	1,960	2255	980	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,280	2453	640	Petition to revive - unintentional	
1501	1,280	2501	640	Utility issue fee (or reissue)	
1502	460	2502	230	Design issue fee	
1503	620	2503	310	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	740	2809	370	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	740	2810	370	For each additional invention to be examined (37 CFR 1.129(b))	
1801	740	2801	370	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 180.00

SUBMITTED BY				(Complete *if applicable*)	
Name (Print/Type)	ALEX L. YIP	*Registration No. (Attorney/Agent)*	34,759	*Telephone*	(212) 836-7363
Signature				*Date*	February 28, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Please type a plus sign (+) inside this box → +

PTO/SB/08A (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known	
Application Number	09/532,402
Filing Date	3/22/00
First Named Inventor	M. Kepler
Group Art Unit	2172
Examiner Name	A. Ly
Attorney Docket Number	41698-1021

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	U.S. Patent Document Number	Kind Code[2] (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		6,336,116		Brown et al.	01/01/02	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Office[3]	Number[4]	Kind Code[5] (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] Unique citation designation number. [2] See attached Kinds of U.S. Patent Documents. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.